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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/086,166	02/26/2002	Michael DeWayne Adams	X0202A	2658
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JAMES J. RALABATE 5792 MAIN STREET WILLIAMSVILLE, NY 14221			EXAMINER LEFLORE, LAUREL E	
			ART UNIT 2673	PAPER NUMBER 3
DATE MAILED: 02/26/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/086,166

Applicant(s)

ADAMS, MICHAEL DEWAYNE

Examiner

Laurel E LeFlore

Art Unit

2673

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 February 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>2</u> . | 6) <input type="checkbox"/> Other: ____ |

Drawings

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the audio activation means, electroencephalography activation means and eye-tracking means of claims 8 and 11 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Specification

2. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.
3. The following title is suggested: User Supported Dual Display System.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

5. Claims 8 and 11 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The "audio activation means,

electroencephalography activation means", and "eye-tracking activation means", disclosed in claims 8 and 11, are not in the specification. Therefore, the specification does not enable one of reasonable skill in the art to make and or use the invention without undue experimentation.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1-12 are rejected under 35 U.S.C. 102(b) as being anticipated by Bunte et al. 5,873,070.

In regard to claim 1, Bunte discloses a display system for displaying information from a computer, comprising a first computer display in electrical contact with the computer. See figure 1 and column 4, lines 60-62, disclosing a "wearable disintegrated computer 10 with a headset 16. The headset 16 preferably includes a personal display 18 and a microphone 20 for receiving voice recognition commands". The system further comprises a second computer display in electrical contact with the computer. See column 5, lines 16-23, disclosing, "the operator 12 might also issue a "SEND" command via the voice recognition microphone 20 so as to...communicate to a base station 36...or to a host computer 64 via a cellular link 38 or the like (FIGS. 10 &11)." Thus the first and second displays are in electrical connection with each other (" via a cellular

link 38 or the like"). Further see computer display 76, depicted in figures 15 and 16. Note this second display is included in the body of computer 10.

The first display adapted to provide the user with limited contextual information, and the second computer display adapted to provide the user with a fully functional computer display. See device 70 of figure 14 and column 7, lines 15-20, disclosing, "as illustrated in FIGS. 15 and 16, the device 70 may be mounted on a vehicle...and display 76 may be utilized to display the user's position 78 and next task location 80, as well as the best route 82 to the next task." This device 70 with display 76 is the second computer display. (Further see column 7, lines 6-7, disclosing that which is illustrated in figs. 12 through 16 is for use within the present system. The present system is depicted in figure 1.) The first display is the headset display 18, also depicted in figure 1. See column 5, lines 6-8 and 11-12, disclosing, "the workperson 12 might be directed to the appropriate optically readable information set 22 via his display 18...The workperson may be notified via his display that the information set 22 has been decoded." Since the first display displays directions and a notification that information set 22 has been decoded, it provides the user with limited contextual information; the second display is a fully functional computer display, as it displays the user's position and next task location, as well as the best route to the next task.

Also, the computer is a general purpose computer, as best understood, as it can be used by various workpersons, such as a nurse or other health care (see

column 5, line3) provider or warehouse worker (see column 4, line 2) or "in any industry to accomplish data collection, communication, and processing requirements" (see column 4, lines 56-58).

Further, the first computer display, the headset is user supported. Also, display 75 of figures 15 and 16 is user supported when computer 10 is carried on the belt as in figure 1 (although it may also be mounted in a vehicle, as in figure 14).

8. In regard to claim 2, Bunte further discloses that at least one of the first and second computer displays are user supported displays selected from the group consisting of head-mounted displays, flat panel displays, neck hung displays, wrist mounted displays and mixtures thereof. See rejection of claim one and display 18 of figures 1 and 2, depicted as a head mounted display.
9. In regard to claim 3, Bunte further discloses that of the first and second displays, one is a non-user supported display and one is a user supported display. See rejection of claim 1.
10. In regard to claim 4, Bunte further discloses a user-supported computer. See rejection of claim 1 and element 10 of figure 1.
11. In regard to claim 5, Bunte further discloses that the computer is a mobile computer. See rejection of claim 1 and element 10 of figure 1.
12. In regard to claim 6, Bunte further discloses that the computer is a vehicle-mounted computer. See rejection of claim 1 and elements 36 and 64 of figure 1 and element 70 of figure 14.

13. In regard to claim 7, Bunte disclose that communication means are in electrical contact with the computer. See rejection of claim 1, disclosing the communication means of "a cellular link or the like". This is understood to be an electrical contact. Also see column 5, lines 18-19, disclosing a "multimode spread spectrum local area network". Further see the cord connecting display 18 with computer 10 in figure 2.
14. In regard to claim 8, see rejection of claim 1. Bunte further discloses that the computer is a hands-free computer having activation means selected from the group consisting of audio activation means, electroencephalography activation means, eye-racking activation means and mixtures thereof. The rejection of claim 1 discloses voice recognition activation means, which are described in further detail with the example commands of "READ" and "SEND" in column 5, lines 8-23.
15. In regard to claim 9, see rejection of claim 1.
16. In regard to claim 10, see rejection of claim 1. Note again that the second display, display 76 of computer 10, is a body-worn display when carried on the belt as in figure 1.
17. In regard to claim 11, see rejection of claim 8.
18. In regard to claim 12, see figure 7 and column 3, lines 41-46, disclosing, "a wrist mounted optically readable character set reader with keypad and display." Also see column 2, lines 44-46, disclosing, "The present invention may be utilized with the arm or wrist mounted terminal".

Conclusion

19. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Mitchell et al. 6,574,672 B1 discloses an invention with a head display and non-user supported computer.

Zwern 6,359,603 B1 discloses a system which includes a computer and a head-worn display.

Andrew et al. 6,215,498 B1 discloses a computer system with virtual head display and second display.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Laurel E LeFlore whose telephone number is (703) 305-8627. The examiner can normally be reached on Monday-Friday 8-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Mancuso can be reached on (703) 305-3885. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

JOSEPH MANCUSO
PRIMARY EXAMINER

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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